

Senate File 228 - Introduced

SENATE FILE 228
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1114)

(COMPANION TO HF 201 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to tort liability, including employer
2 liability and noneconomic damages in civil actions involving
3 commercial motor vehicles, and punitive or exemplary damages
4 in civil actions generally.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 668.12A Liability for employee
2 negligence in actions involving commercial motor vehicles.

3 1. Subject to subsection 4, in a civil action involving the
4 operation of a commercial motor vehicle, if an employer who
5 is a defendant in the action complies with subsection 2, the
6 employer's liability for damages caused by the negligence of an
7 employee operating a commercial motor vehicle within the course
8 and scope of employment shall be based solely on respondeat
9 superior and not on the employer's direct negligence in hiring,
10 training, supervising, or trusting the employee.

11 2. On motion of an employer who is a defendant in a civil
12 action involving the operation of a commercial motor vehicle,
13 a trial court shall dismiss from the civil action any claim
14 of the employer's direct negligence in hiring, training,
15 supervising, or trusting the employee, or other claim of direct
16 negligence on the part of the employer for the employee's
17 harmful conduct, or other similar claims, if the employer
18 stipulates that at the time of the event that caused the
19 damages that are the subject of the civil action that the
20 person whose negligence is alleged to have caused the damages
21 was the employer's employee and was acting within the course
22 and scope of employment with the employer.

23 3. If an employer makes the stipulations in subsection 2
24 with respect to an employee, and the employee's negligence is
25 found to have caused or contributed to causing the damages,
26 the employer shall be adjudged liable solely on the basis of
27 respondeat superior for all the resulting damages.

28 4. This section does not apply if the civil action involving
29 a commercial motor vehicle arises from an incident for which an
30 employee is convicted under section 321J.2 or found to be in
31 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

32 5. As used in this section:

33 a. "Commercial motor vehicle" means as defined in section
34 321.1.

35 b. "Convicted" means convicted of an indictable offense and

1 includes a guilty plea or other finding of guilt by a court of
2 competent jurisdiction.

3 *c.* "Operation" or "operating" means actual physical control
4 of a commercial motor vehicle upon a highway as defined in
5 section 321.1.

6 Sec. 2. NEW SECTION. **668.15A Noneconomic damages —**
7 **commercial motor vehicle owners or operators.**

8 1. As used in this section:

9 *a.* "Commercial motor vehicle" means as defined in section
10 321.1.

11 *b.* "Convicted" means convicted of an indictable offense and
12 includes a guilty plea or other finding of guilt by a court of
13 competent jurisdiction.

14 *c.* "Inflation" means the annual percentage change in the
15 United States department of labor, bureau of labor statistics,
16 consumer price index for all urban consumers for the midwest
17 region, all items, or its successor index.

18 *d.* "Noneconomic damages" means damages arising from
19 pain, suffering, inconvenience, physical impairment, mental
20 anguish, emotional pain and suffering, loss of chance, loss of
21 consortium, or any other nonpecuniary damages.

22 *e.* "Operation" means actual physical control of a commercial
23 motor vehicle upon a highway as defined in section 321.1.

24 2. The total amount recoverable by each plaintiff in any
25 civil action involving the operation of a commercial motor
26 vehicle for noneconomic damages for personal injury or death,
27 whether in tort, contract, or otherwise, against the owner or
28 operator of a commercial motor vehicle shall be limited to one
29 million dollars, regardless of the number of claims, theories
30 of liability, or defendants in the civil action.

31 3. *a.* The limitation on damages set forth in subsection 2
32 shall be adjusted for inflation by the secretary of state on
33 January 1, 2026, and on January 1 of each even-numbered year
34 thereafter.

35 *b.* The secretary of state shall certify and publish the

1 adjusted limitation on damages within fourteen days after the
2 appropriate information is available.

3 4. This section does not apply if the civil action involving
4 a commercial motor vehicle arises from an incident for which an
5 employee is convicted under section 321J.2 or found to be in
6 violation of 49 C.F.R. §392.4 or 49 C.F.R. §392.5.

7 Sec. 3. Section 668A.1, Code 2023, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 2A. A claim for punitive or exemplary
10 damages shall not be included in any initial claim for relief.
11 A claim for punitive or exemplary damages may be allowed by
12 amendment to the pleadings only after the exchange of initial
13 disclosures pursuant to the Iowa rules of civil procedure and
14 after the plaintiff establishes prima facie proof of a triable
15 issue.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill relates to tort liability.

20 Under current law, an employer is liable for an employee's
21 negligence and may be held responsible for direct negligence
22 relating to hiring, training, supervising, or trusting an
23 employee, or other claims of direct negligence on part of the
24 employee's harmful conduct, subject to certain limitations
25 contained in Code chapter 671A (negligent hiring — limitations
26 on liability) relating to convictions for public offenses, with
27 certain exceptions.

28 The bill provides that the liability of an employer who is
29 a defendant in a civil action involving a commercial motor
30 vehicle for damages caused by negligence of an employee acting
31 within the scope and course of employment shall be based on
32 respondeat superior if the employer makes certain stipulations.
33 On motion of an employer, a trial court shall dismiss from
34 the action any claim of the employer's direct negligence in
35 hiring, training, supervising, or trusting an employee, or

1 other claim of direct negligence on the part of the employer
2 for the employee's harmful conduct, or other similar claims,
3 if the employer stipulates that at the time of the event that
4 caused the damages that the person whose negligence is the
5 basis of the action is the employer's employee and the employee
6 was acting within the course and scope of employment with the
7 employer. These provisions do not apply in circumstances
8 involving an operating-while-intoxicated offense or a violation
9 under federal regulations for operating under the influence of
10 drugs, alcohol, or other substances.

11 The bill limits the amount of noneconomic damages available
12 against the owner or operator of a commercial motor vehicle for
13 personal injury or death to \$1 million regardless of the number
14 of derivative claims, theories of liability, or defendants in
15 the civil action. The secretary of state shall adjust the
16 noneconomic damages award limitation on a biannual basis to
17 account for inflation beginning on January 1, 2026, and every
18 even-numbered year thereafter. Under current law, noneconomic
19 damages are unlimited except for suits under Code sections
20 123.92 (dramshop liability) and 147.136A (awards against health
21 care providers).

22 The bill provides that a claim for punitive or exemplary
23 damages in an action governed by Code section 668A.1 shall
24 not be included in any initial claim for relief. A claim for
25 punitive or exemplary damages may be allowed by amendment to
26 the pleadings only after the exchange of initial disclosures
27 and after the plaintiff establishes prima facie proof of a
28 triable issue. Under current law and under the bill, the
29 mere allegation or assertion of a claim for punitive damages
30 cannot form the basis for discovery of the wealth or ability to
31 respond in damages on behalf of the party from whom punitive
32 damages are claimed until the claimant has established that
33 sufficient admissible evidence exists to support a prima facie
34 case establishing, by a preponderance of clear, convincing, and
35 satisfactory evidence, that the conduct of the defendant from

1 which the claim arose constituted willful and wanton disregard
2 for the rights or safety of another.